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KNOBBLE MARTENS OLSON BEEAR, LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

COPY MAILED

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Applicant: Kim et al.
Appl. No.: 10/581,021
International Filing Date: November 26, 2004
Title: PORTABLE ELECTRIC TESTING EQUIPMENT
Attorney Docket: HANYA3.001APC
Pub. No.: US 2007/0290673 A1
Pub. Date: December 20, 2007

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on January 2, 2008 for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error in the priority date information on the front page of the publication.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The instant error is not an error under 37 CFR 1.221(b) as the priority date provided in the IA report was printed. Applicant may file a petition under 37 CFR 1.182 to remedy the priority date. The certified copy of the priority document provided states that the filing date is September 16, 2004. Applicant may file a petition under 37 CFR 1.55 to remedy the priority date with respect to the foreign priority information. Applicant may also consider filing a petition to revive the international application.

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

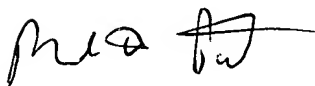
Additionally, the application was abandoned on August 6, 2008 and abandoned applications are not republished.

If the application is revived then the applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.



Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy